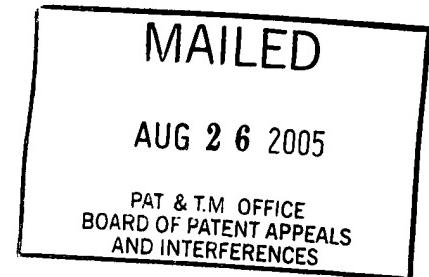


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HOWARD BARR

Application No. 09/611,177



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 17, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On November 26, 2003, appellant filed a Notice of Appeal. A review of the file reveals that the fee was not charged for the Notice of Appeal. Before further review of this file, the Notice of Appeal fee must be applied to the appellant's account.

In addition, on June 18, 2004, the examiner filed an examiner's answer. There is no indication that an appeal conference was held because the examiner's answer contains only

Application No. 09/611,177

the typed names of the conferees. No signature or initialing by the conferees is present. The Manual of Patent Examining Procedures (MPEP) § 1208 states:

The participants of the appeal conference should include (1) the examiner charged with preparation of the examiner's answer, (2) a supervisory patent examiner (SPE), and (3) another examiner, known as a conferee, having sufficient experience to be of assistance in the consideration of the merits of the issues on appeal.

Upon receipt of the appeal case by the Board of Patent Appeals and Interferences (Board), the Board should review the application prior to assigning an appeal number to determine whether an appeal conference has been held.

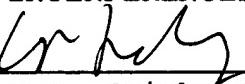
Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) entry of the Notice of Appeal fee; 2) proper indication that an appeal conference was held; 3) notifying the appellant, in writing, that the appeal conference was held; and 4) for such further action as may be appropriate.

Application No. 10/062,655

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

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CRF/tdl